

## REMARKS

Claims 1-18 are pending in the current application, all of which have been rejected. None of the claims has amended. However, a listing of the claims has been provided for the convenience of the Examiner. Claims 1, 9, and 14 are the only independent claims.

### **Missing Notice of References Cited (PTO-892) and Information re Cited Reference**

Initially, the Applicants note that – contrary to the indication on the Office Action Summary page – a Notice of Reference Cited (PTO-892) form (“the PTO-892 form”) has not been provided as an attachment to the Office Action. Further, the PTO-892 form has not been listed on the Patent Application Information Retrieval (PAIR) system of the Patent Office’s website.

Additionally, the reference cited as “Beaudouin-Lafon (Instrumental Interaction)” (“Beaudouin-Lafon reference”) in reference to claims 5, 13, and 18 has not been provided with the Office Action. Further, insufficient information has been provided in the Office Action to enable the Applicants to locate it themselves.

Accordingly, the Applicants respectfully request that the Examiner provide the missing PTO-892 form and the missing Beaudouin-Lafon reference (or, alternatively, sufficient identifying information for locating the Beaudouin-Lafon reference). Further, if the Examiner believes that the claims are not allowable, the Applicants request a new Office Action or a reset deadline for responding to this Office Action to adequately prepare a response in view of the PTO-892 form and the Beaudouin-Lafon reference. This response is limited by the Applicant’s lack of knowledge with respect to the missing PTO-892 form and the missing Beaudouin-Lafon reference.

### **Rejection of Claims 1-4, 6, 9-12, and 14-17**

Claims 1-4, 6, 9-12, and 14-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,038,516 to Alexander *et al.* (“Alexander”) in view of U.S. Patent No. 6,374,145 to Lignoul (“Lignoul”), U.S. Patent No. 6,504,534 to Takase *et al.* (“Takase”), and U.S. Patent No. 6,076,169 to Lee (“Lee”). The Applicants respectfully disagree with the rejection for at least the following reasons: a) the cited

references fail to teach or suggest viewing from a distance power-related information; b) the cited references fail to teach or suggest user interface buttons for navigating through menu options; and c) there is no suggestion or motivation to combine Alexander with Lignoul, Takase, or Lee.

**A. The Cited References Fail To Teach Or Suggest Viewing From A Distance Power-Related Information**

The Examiner observed that: “Alexander-Lignoul-Takase-Lee does not expressly disclose . . . viewing from said distance at least some of said power-related information,” as claimed by claims 1, 9, and 14. However, nowhere does the Examiner allege that any of the cited references teach or suggest this claim element. As required by the Manual of Patent Examining Procedure (“MPEP”), “the prior art reference (or references when combined) must teach or suggest all the claim limitations” to establish a *prima facie* case of obviousness. Eighth Edition, Incorporating Revision No. 4, § 2144, page 2100-135, left column. None of the cited references teaches or suggests – and the Examiner has not alleged that any of the cited references teaches or suggests – “viewing from said distance at least some of said power-related information.”

**B. The Cited References Fail To Teach Or Suggest User Interface Buttons For Navigating Through Menu Options**

The Examiner observed that: “Alexander does not explicitly disclose the navigating means to be a plurality of user interface buttons. However, Alexander’s method provides scrolling operations for navigating through menu options (abstract).” The Examiner then alleged that “It would have been obvious to an artisan at the time of the invention to include such buttons for use in conjunction with the scrolling functions of Alexander in order to facilitate user’s menu navigation.”

The Applicants respectfully disagree. The Examiner has not provided the findings required to substantiate the basis for such reasoning, in the absence of a reference as required by the MPEP:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.

§ 2144.03(A), page 2100-142, right column. Accordingly, the MPEP provides that:

If such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.

*Id.*, § 2144.03(B), page 2100-143, right column.

Alexander teaches the use of a general purpose PC including keyboard input (FIG. 1b of Alexander, host computer 140, a keyboard terminal 144 and a display 142). There is no motivation in Alexander to include the user interface buttons of the present invention and further, such a combination would not yield the Applicants' present invention of a remote metering display including: "a plurality of user interface buttons" used "for navigating through menu options depicted on the display screen," as required by Applicants' claims 1, 9 and 14. Thus, the Examiner's reliance on Alexander fails to comply with the MPEP requirement of providing facts "capable of instant and unquestionable demonstration."

**C. There Is No Suggestion Or Motivation To Combine The Teachings of Alexander With The Teachings Of Lignoul, Takase, or Lee**

The Examiner observed that: "Alexander further does not teach a motion sensor for powering on the display screen in response to detection of a person's presence within a predetermined distance of the remote metering display. Lignoul teaches the use of a proximity motion sensor . . . ." The Examiner then alleged that it "would have been obvious to . . . combine Lignoul's teaching with Alexander's method in order to prolong the life of the display device."

Further, while acknowledging that "Lignoul does not expressly teach the steps of activation/deactivation," the Examiner observed that Takase "discloses a computer power saving method in which a display device is powered-off when it is inactive for a predetermined time." The Examiner then alleged that it "would have been obvious . . . to combine Takase's power saving method teaching with the method of Alexander-Lignoul

in order to reduce unnecessary power consumption as well as to prolong the monitor's life."

Further yet, while acknowledging that "Alexander-Lignoul-Takase-Lee does not expressly disclose the display screen to present, without user interaction, at least some of said power-related information when said display is screen is powered on, and viewing from said distance at least some of said power-related information," the Examiner observed that "Lee teaches a power management system for a computer display device in which the content of the original screen is redisplayed of [sic] the device has been deactivated." The Examiner then alleged that it "would have been obvious to . . . combine Lee's teaching with the method of Alexander-Lignoul-Takase in order to immediately redisplay the previous display contents of said power-related information where the user left off."

The Applicants respectfully disagree. The Examiner has failed to establish a *prima facie* case of obviousness because there is no suggestion or motivation to combine the teachings of Alexander and Lignoul: "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP, § 2143, page 2100-135, left column. For example, a rejection was held improper because there was no motivation to combine, even though the combination of the references taught every element of the claimed invention. *Id.*, § 2143.01(I), page 2100-135, left column (citing to *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q. 2d 1454, 1457-58 (Fed. Cir. 1998)).

Some of the advantages of the current invention, which is directed to a power meter for an electrical circuit and to a remote metering display for displaying power-related information, are to "a) reduce the power consumption of the remote metering display from the power meter; (b) lengthen the total life span of the display screen which can degrade while in continuous operation; and (c) prevent "burn in" of the display screen while in continuous operation over several hours." *See* Summary of the Invention section. Alexander is directed to a "method for graphically displaying a menu for

selection and viewing of the load related parameters of a load connected to a AC load control device.” *See* Abstract. There is no mention whatsoever in Alexander related to any of the advantages of the current invention, such as reducing power consumption of a metering display to lengthen the life of the metering display and to prevent “burn in” of the metering display. Lignoul teaches a motion sensor and “improved control over the activation and deactivation of a computer program.” *See* Abstract. Takase teaches that a “power supply for a CRT display unit is controlled to be turned off, thereby preventing the CRT display unit from being left for a long time in a power-on state.” *See* Abstract. Lee teaches a “computer system having a screen saver with a power shutdown function.” *See* Abstract. There is no mention whatsoever in Lignoul, Takase, or Lee about a power meter for an electrical circuit or a remote metering display for displaying power-related information, as claimed in claims 1, 9, and 14.

There is no motivation or suggestion for combining the teachings of Alexander (*e.g.*, displaying of load related parameters) with the teachings of Lignoul (*e.g.*, activation of a computer program using a motion sensor), the teachings of Takase (*e.g.*, powering-off a power supply for a display), or the teachings of Lee (*e.g.*, redisplaying content of the original screen). Specifically, for example, a skilled artisan would have no motivation to look at a motion sensor taught by Lignoul, to a powered-off power supply of Takase, or to redisplaying content of the original screen of Le to prolong the life of a display taught by Alexander. Likewise, the skilled artisan would have no motivation to power on/off the display taught by Alexander by using the motion sensor taught by Lignoul, the power supply taught by Takase, or the redisplaying of the original screen of Lee.

The only motivation to combine the teachings comes from the Applicants’ specification, based on improper hindsight reasoning. According to well-established patent practice, the Examiner is prohibited from using the Applicant’s specification for supporting an obviousness judgment. Specifically, the MPEP states that any “judgment on obviousness [cannot] include knowledge gleaned only from applicant’s disclosure.” MPEP, § 2145(X)(A), page 2100-168, left column.

At least for the applicable reasons stated above, the Applicants respectfully submit that claims 1, 9, and 14, along with all the claims dependent thereon, are patentable over the cited references and should be in condition for allowance.

### **Rejection of Claim 7**

Claim 7 has been rejected under 35 U.S.C. 103a) as being unpatentable over Alexander in view of Lignoul, Takase, Lee, and further in view of U.S. Patent No. 6,215,399 to Shpater (“Shpater”). The Examiner observed that the “method of Alexander-Lignoul-Takase-Lee does not expressly teach the lens to be a fresnel lens.” The Examiner then alleged that “the use of fresnel lens as a focusing means for motion is known in the art,” wherein Sphater teaches a method that uses an infrared fresnel lens, and that it “would have been obvious to . . . to combine Sphater’s method with the method of Alexander-Lignoul-Takase-Lee in order to make use of a widely known type of lens which would be cost effective as well as well proven.”

The Applicants respectfully disagree. There is no suggestion or motivation to combine Sphater with the combination of Alexander-Lignoul-Takase-Lee. Sphater is directed to “passive infrared (PIR) motion detector lens[es that] are staggered at close range to provide for pet immunity.” See Abstract. There is no mention whatsoever in Sphater about a power meter for an electrical circuit or a remote metering display for displaying power-related information. The skilled artisan would have no motivation to look at motion detectors for pet immunity to solve problems related to the longevity of a display as taught by Alexander. Likewise, the skilled artisan would have no motivation to power on/off the display taught by Alexander by using the pet motion detectors of Sphater. The only motivation to combine the teachings comes from the Applicants’ specification, based on improper hindsight reasoning.

At least for the applicable reasons stated above, the Applicants respectfully submit that claim 7, along with all the claims dependent thereon, is patentable over the cited references and should be in condition for allowance.

### **Rejection of Claim 8**

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Lignoul, Takase, Lee, Shpater, and further in view of U.S. Patent No. 5,339,104 to Hong (“Hong”). The Examiner observed that the “method of Alexander-Lignoul-Takase-Lee-Sphater does not specifically disclose an analog-to-digital converter for receiving and digitizing the analog output signal.” The Examiner then alleged that Hong “teaches a motion detecting apparatus in which an analog/digital converted is included in the motion detection apparatus,” and that it “would have been obvious to . . . to include Hong’s teaching with the method of Alexander-Lignoul-Takase-Lee-Shpater so that the output signal could be digitized as required.”

The Applicants respectfully disagree. There is no suggestion or motivation to combine Hong with the combination of Alexander-Lignoul-Takase-Lee-Sphater. Hong is directed to “a motion detecting apparatus for use in a closed circuit television.” Hong, col. 1, ll. 6-7. There is no mention whatsoever in Hong about a power meter for an electrical circuit or a remote metering display for displaying power-related information. The skilled artisan would have no motivation to look at a motion detection apparatus for a closed circuit television to solve problems related to the longevity of a display as taught by Alexander. Likewise, the skilled artisan would have no motivation to power on/off the display taught by Alexander by using the motion detector of Hong. The only motivation to combine the teachings comes from the Applicants’ specification, based on improper hindsight reasoning.

At least for the applicable reasons stated above, the Applicants respectfully submit that claim 8 is patentable over the cited references and should be in condition for allowance.

#### **Rejection of Claims 2, 5, 10, 13, and 18**

Claims 2 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Lignoul, Takase, Lee, and further in view of U.S. Patent No. 6,523,122 to Moon (“Moon”). Claims 5, 13, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Lignoul, Takase,

Lee, and further in view of U.S. Patent No. 6,560,711 to Given *et al.* ("Given") and Beaudouin-Lafon (Instrumental Interaction).

The Applicants respectfully submit that claims 2, 5, 10, 13, and 18 are patentable over the cited references at least based on the above-stated applicable reasons and, thus, are in condition for allowance. In addition, Applicants reiterate that claims 5, 13, and 18 may be patentable based on arguments related to the Beaudouin-Lafon reference, which the Examiner has not made available to the Applicants.

**Conclusion**

Reconsideration of this application in light of the foregoing remarks is respectfully requested. It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47181-00232.

Respectfully submitted,

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By



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